

Civil Money Penalties (CMP)

Application Instructions and Information - Montana

A civil money penalty (CMP) is a monetary penalty the Centers for Medicare & Medicaid Services (CMS) may impose against skilled nursing facilities (SNFs), nursing facilities (NFs), and dually-certified SNF/NF for either the number of days or for each instance a facility is not in substantial compliance with one or more Medicare and Medicaid participation requirements for Long Term Care Facilities. A portion of CMPs collected from facilities are returned to the States in which the CMPs are imposed. State CMP funds may be reinvested to support activities that benefit nursing facility residents, and that protect or improve their quality of care or quality of life.

States are responsible for soliciting projects utilizing CMP funds. After solicitation, States first review submitted CMP project applications for appropriateness before forwarding to CMS for approval. After CMS approval, States must monitor and track projects' progress and metrics or deliverables.

Montana accepts applications twice a year: August and February. A panel reviews and determines which applications to submit to CMS for approval based on:

- Completeness of application
- Meeting criteria for program
- Benefits to nursing facility residents
- Available program funding verses ranked applications
- Organization, consumer, and stakeholder involvement to include letters of commitment from participating stakeholders.

Montana prefers innovative applications for the full three years and will also accept applications for projects less than the full three years.

Allowable Uses Per Federal Regulations:

- **Projects and initiatives that directly enhance quality of care and quality of life for nursing home residents – every application should address this!**
- Projects that support resident and family councils and other consumer involvement in assuring quality care in facilities
- Facility improvement initiatives such as joint training of facility staff and surveyors or technical assistance for facilities implementing quality assurance and performance improvement programs.
- Assistance to support and protect residents of a facility that closes or is decertified

- Time-limited expenses incurred in the process of relocating residents to home and community-based setting or another facility when a facility is closed

Restrictions on use of funds:

- Cannot exceed three years
- Capital Improvements not an allowable use of funds (Note: CMS considers tables, chairs, shelving, ice cream machines, and web platforms in the capital improvement category)
- Cannot supplement funding of federally required services
- Cannot fund nursing home services or supplies that are already the responsibility of the nursing home
- Prohibited items:
 - Telemedicine and tablets (and similar communicative technology)
 - The VirtuSense VSTBalance Project

Sample of Possible Projects from CMS and other states:

- Training for nursing facility staff. These trainings could include safety issues (safe transfers, fall prevention, infection control, etc.); specialty care (Alzheimer/Dementia, managing challenging behaviors, quality care for individuals who live with deafness and blindness, bed sore care, pain management, etc.); behavioral health; resident activities; etc.
- Reducing hospital readmissions through interventions
- Program development/training on fall prevention
- Improving mental health of staff and/or residents
- Infection control, and specifically urinary tract infections
- Music & Memory programs
- Best Practices or innovative approaches in dementia care, culture change, reducing unnecessary antipsychotic medications, and use of technology to improve resident care that are outside the scope of normal nursing facility operations.
- Other projects that meet the Allowable Uses above

Examples of eligible organizations include, but are not limited to:

- Consumer advocacy organizations
- Resident or family councils

- Professional or State nursing home associations
- Certified LTC facilities (SNF, NF, SNF/NF)
- Private contractors

Application Instructions:

1. Complete application form and proposed budget must be on the CMS Example Budget Template as a separate document.
2. All applications and materials must be submitted electronically
3. Submit application packet that includes (not to exceeds 20 pages):
 - i. Application form (incomplete forms may be denied)
 - ii. Additional materials and authentic letters of commitment and/or documents to support application
 - iii. Letter of application that includes
 - iv. Organization introduction
 - v. Purpose of project
 - vi. Summary of project
 - vii. Sustainability of project
 - viii. Amount of funding request
 - ix. Population served
 - x. The need the project will help solve.
4. Email application to mtcmp@mt.gov
5. Applications due by: August 31 and February 28 of each year. Funding is dependent upon state and CMS approval with contracts anticipated issuance in October and April of each year.

Application Tips:

- When CMP funds are requested for educational purposes, the organization involved must also include the following: anticipated number of attendees; target audience; accrediting authorities; timeline for implementation and plan for sustainability; and letters of support. **Authentic letters of commitment from facilities who participate in the training must be included, and include specific dollar amounts, the timeline, and purpose, and how the dollars will directly impact nursing home residents' quality of life and or quality of care in each individual letter.** Representatives from any group requesting funding, or representatives who are in situations where a conflict of interest exists, must disqualify themselves from making recommendations.
- **Be brief, concise, and clear.** Provide accurate information, including candid accounts of problems and realistic plans to address them. If any required information is omitted, explain why. Make sure the information provided in any

table, chart, attachment, etc. is consistent with the proposed narrative and information in other tables.

- **Be organized and logical.** Reviewers should be able to readily follow the coherent and logical thought process of the applicant.
- **Include SMART Goals and Objectives.** See Civil Money Penalty (CMP) Reinvestment Application Tips for Goals and Objectives.
- **Carefully proofread the request.** Misspellings and grammatical errors will impede reviewers' ability to understand the CMP request. Be sure pages are numbered (including appendices) and that page limits are followed. Limit the use of abbreviations and acronyms and define each one at its first use and periodically throughout request.
- Assemble and paginate the request as one pdf document, not to exceed 20 pages.
- Complete all sections of the request. Incomplete applications will be denied.
- Plan ahead and allow sufficient time for State Agency and CMS review and approval of the request.
- **NOTE:** If the use of CMP funds is approved, the organization or entity receiving funds will still be required to complete a state contract before the funds are released. Reporting on progress toward achieving goals and outcomes and expenditures will be required in the contract.